

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DIACONU EUFROSINA	:	CIVIL ACTION
	:	
v.	:	
	:	
ROBERT GATES, Secretary of Defense,	:	
STEVE JOHNSON, Administrator, EPA,	:	
U.S. DEPARTMENT OF DEFENSE,	:	
U.S. ENVIRONMENTAL PROTECTION	:	
AGENCY	:	NO. 08-3633

ORDER

AND NOW, this 24th day of November 2009, in accordance with the foregoing Memorandum, it is hereby ORDERED that Defendants' Motion to Dismiss (Doc. No. 32) is GRANTED, without prejudice to Plaintiff filing an administrative claim with the Department of Labor to seek relief under the Federal Employees' Compensation Act, 5 U.S.C. § 8101 et seq., and Plaintiff's Motion for Summary Judgment (Doc. No. 31) is DENIED. Accordingly, the Clerk is directed to close the case.

BY THE COURT:

/s/ Michael M. Baylson
Michael M. Baylson, U.S.D.J.

O:\CIVIL 07-08\08-3633 Eufrosina v. Gates\Eufrosina v. Gates - Order Mot. to Dismiss 11-24-09.wpd